

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
SOUTH BEND DIVISION

JESUS PARRA, <i>et al.</i> ,)	
)	
Plaintiffs,)	
)	
v.)	CAUSE NO. 3:07-CV-039 WCL
)	
UNITED PARCEL SERVICE,)	
)	
Defendant.)	

REPORT AND RECOMMENDATION

On January 5, 2007, this matter was referred to the undersigned pursuant to 28 U.S.C. § 636(b)(1)(B) to conduct hearings, including evidentiary hearings, and submit proposed findings of fact and recommendations for the disposition of Plaintiffs' complaint. On April 5, 2007, this Court held an in court hearing on a motion to withdraw by Plaintiffs' counsel. That motion was subsequently granted, and this Court ordered the Plaintiffs to indicate whether they wished to retain substitute counsel or proceed *pro se* by May 7, 2007. After receiving no response, this Court issued an order to show cause directing Plaintiffs to explain why they failed to comply with this Court's order and why their case should not be dismissed for failure to prosecute their claim. As of this date, Plaintiffs have still not responded to this Court's initial order or the order to show cause, despite this Court's warning pursuant to Timms v. Frank, 953 F.2d 281, 285-86 (7th Cir. 1992) and Lewis v. Faulkner, 689 F.2d 100 (7th Cir. 1982), that failure to do so may result in a dismissal of their case.

Under Fed. R. Civ. P. 41, a plaintiff's case may be dismissed for his failure to prosecute his claim or to comply with court orders. Plaintiffs have failed to comply with two court orders, and has provided no written documentation explaining their inaction. This Court can only

assume that Plaintiffs have abandoned their case. Consequently, for the aforementioned reasons, this Court **RECOMMENDS** that Plaintiffs' case be **DISMISSED WITHOUT PREJUDICE**.

NOTICE IS HEREBY GIVEN that within ten (10) days after being served with a copy of this recommended disposition a party may serve and file specific, written objections to the proposed findings and/or recommendations. Fed.R.Civ.P. 72(b). FAILURE TO FILE OBJECTIONS WITHIN THE SPECIFIED TIME WAIVES THE RIGHT TO APPEAL THE DISTRICT COURT'S ORDER.

SO ORDERED.

Dated this 12th Day of June, 2007.

S/Christopher A. Nuechterlein
Christopher A. Nuechterlein
United States Magistrate Judge

cc: Parra